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OFFICE OF PETITIONS

In re Application of :  
Moisy et al. : DECISION ON PETITION TO  
Application Number: 10/629595 : WITHDRAW HOLDING OF  
Filing Date: 07/30/2003 : ABANDONMENT  
Attorney Docket Number: 11016- :  
0017 :  
:

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT," filed on April 28, 2010.

The petition is GRANTED.

A Notice of Abandonment was mailed on March 24, 2010, stating that the application was abandoned for failure to timely file a reply to the Office letter mailed on March 27, 2009.

A review of the record reveals that on March 27, 2009, a final Office action was mailed, setting a three (3)-month shortened statutory period for reply.

On September 28, 2009,<sup>1</sup> a Notice of Appeal and a three (3)-month extension of time under 37 CFR 1.136(a) were filed.

On April 28, 2010, a Request for Continued Examination (RCE) and submission under 37 CFR 1.114 were filed, accompanied by a five (5)-month extension of time.

The Notice of Appeal filed on September 28, 2009, set a two (2)-month shortened period for reply. Accordingly, the RCE and submission filed on April 28, 2010, were timely filed with a five (5) month extension of time. Accordingly, the application did not become abandoned for failure to timely respond to the final Office action mailed on March 27, 2009.

The holding of abandonment is withdrawn. The Notice of Abandonment is vacated.

<sup>1</sup> As September 27, 2009, fell on a Sunday, the reply filed on Monday, September 28, 2009, was timely filed with the three (3)-month extension of time. 37 CFR 1.7(a).

The application is referred to Technology Center Art Unit 3634 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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